

REMARKS/ARGUMENTS

Claims 60-64 and 69-70 are pending and were examined. Reexamination and reconsideration of the claims, without amendment, are respectfully requested in view of the following remarks.

Independent claim 60, the only pending independent claim, was rejected as being anticipated by the March '250 patent. Such rejection is respectfully traversed. Independent claim 60 reads as follows:

60. *(Previously Presented) A method for delivering a drug to a blood vessel lesion, said method comprising:*

inflating a balloon to radially expand a scoring structure comprising metal scoring elements carried by said balloon, wherein the balloon inflation engages the scoring elements against stenotic material in the lesion to radially penetrate the stenotic material; and

releasing a drug into the scored lesion to enhance delivery into the vessel wall.

Thus, among various requirements, claim 60 sets forth that a balloon is "inflated" and that such balloon inflation "engages . . . scoring elements against stenotic material in . . . [a] . . . lesion to radially penetrate the stenotic material." The March '250 patent teaches neither step and, the March device is in fact, incapable of performing such steps.

The March device comprises a drug delivery catheter where a perforated membrane 46 is supported on a cage 54 comprising a plurality of counterwound, spirally arranged wires 56. As described at Col. 6, from line 16 through line 37, the membrane is expanded by rotating a cap 36 which causes the wires 56 of the cage 54 to radially expand which in turn expands the membrane. After the cage has been radially expanded, drug may be delivered from the interior of the membrane and released through the pores 48.

As can be seen, March does not teach expanding a balloon by inflation, as required by claim 60. The membrane is not a balloon and is not expanded by inflation. More importantly, March does not teach that the wires 56 either engage or penetrate stenotic material.

Instead, the wires necessarily remain beneath the membrane 46 at all times since they open and support the membrane as a drug is delivered. The wires 56 must not tear or disrupt the membrane 46 and therefore would not be expected to engage or disrupt stenotic material.

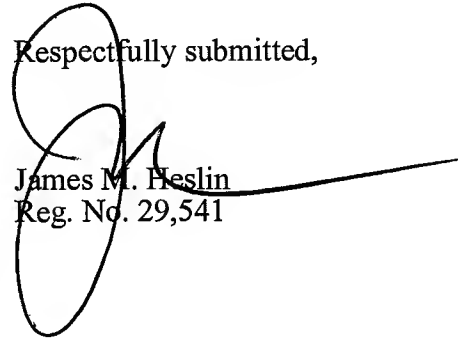
For these reasons, the rejection of claim 60 as being anticipated by March cannot be maintained. Moreover, as neither of the secondary references teach or suggest inflating a balloon in order to engage metal scoring elements against stenotic material, it is believed that independent claim 60 as well as all claims dependent thereon distinguish the cited art and are in condition for allowance.

CONCLUSION

In view of the above amendments and remarks, Applicants believe that all pending claims are in condition for allowance and request that the application be passed to issue at an early date.

If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 650-326-2400.

Respectfully submitted,


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